

Application No. 10/780,378  
Amendment dated June 15, 2007  
Reply to Office Action of March 30, 2007

### **REMARKS**

Claims 56-67 are pending in the application. Applicants hereby cancel Claims 1-55 and add new Claims 56-67.

#### **Claim Objections**

The Examiner objected to Claims 15-17. Applicants have canceled Claims 15-17.

#### **Claim Rejections – 35 U.S.C. § 102**

The Examiner rejected Claims 1-4, 6, and 8-14 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,790,852 to Noiles (hereinafter "Noiles '852"). The Examiner further rejected Claim 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,822,366 to Bolesky (hereinafter "Bolesky '366"). Applicants have canceled Claims 1-4, 6, 8-14, and 19.

#### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected Claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Noiles '852. The Examiner also rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Noiles '852 in view of U.S. Patent No. 6,981,991 to Ferree (hereinafter "Ferree '991"). The Examiner further rejected Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Noiles '852 in view of U.S. Patent No. 6,136,029 to Johnson et al. (hereinafter "Johnson et al. '029"). The Examiner rejected Claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Noiles '852 in view of U.S. Patent No. 6,074,423 to Lawson (hereinafter "Lawson '423"). The Examiner also rejected Claims 16 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Noiles '852 in view of U.S. Patent Application Publication No. 2003/0183025 to Krstic (hereinafter "Krstic '025"). The Examiner further rejected Claims 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Bolesky '366 in view of Lawson '423. Applicants have canceled Claims 5, 7, 15-18, 24, and 25.

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### **New Claims**

Applicants have added new Claims 56-67. Applicants respectfully submit that none of the prior art of record discloses or suggests a tibial augment system for a knee joint including a tibia, the system including a tibial implant comprising a tibial plate and a tibial post extending from the tibial plate; and a tibial augment comprising an annular body, the annular body defining an interior wall and an exterior wall, the exterior wall of the tibial augment sized to fit within a cortex of the tibia, the interior wall of the tibial augment defining a passageway sized to accept the tibial post therein, whereby with the tibial post positioned through the passageway the tibial augment is positioned about the tibial post, the passageway defining a longitudinal axis, the passageway sized to allow movement of the tibial post in a transverse direction relative to the longitudinal axis within the passageway of the tibial augment, wherein when the tibial augment is positioned in the tibia the longitudinal axis of the passageway is generally aligned with an anatomical axis of the tibia and the passageway is sized to allow movement of the tibial post in a medial-lateral direction and an anterior-posterior direction relative to the anatomical axis when the tibial post is positioned through the passageway, as called for in new independent Claim 56 and Claims 57-67 dependent therefrom.

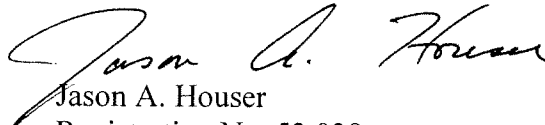
It is believed that the above represents a complete response to the Office Action and reconsideration is requested. Specifically, Applicants respectfully submit that the current application is in condition for allowance and such action is earnestly solicited.

In the event Applicants have overlooked the need for an extension of time or payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

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If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,

  
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JAH/pas  
Enclosure(s):  
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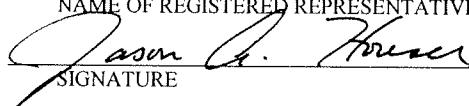
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I HEREBY CERTIFY THAT THIS correspondence is being electronically filed with the Commissioner for Patents on June 15, 2007.

JASON A. HOUSER, REG. NO. 53,038  
NAME OF REGISTERED REPRESENTATIVE

  
SIGNATURE